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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,338	01/17/2003	Brian Francis Gray	AA431 F	1452
27752	7590	03/04/2005	EXAMINER	
THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224			GIBSON, KESHIA L	
			ART UNIT	PAPER NUMBER
			3761	

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/089,338	Applicant(s) GRAY ET AL.	
	Examiner Keshia Gibson	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/12/03</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because the figure beneath Fig. 9 on drawing sheet 5/7 is unidentified; it is assumed that Figure is Fig.10. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is

requested in correcting any errors of which applicant may become aware in the specification.

3. The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f). Such incorporations occur throughout the document. If the incorporated material is nonessential, correction is not required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2 and 6-7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hanson-Shaw (GB 2,311,727).

In regard to Claim 1, Hanson-Shaw teaches an absorbent article 10 having a body surface (inner surface), a garment surface (moisture/oil impermeable outer surface), and an absorbent core (absorbent inner portion) (page 2, lines 11-15). At least a portion of the article 10 is provided with a skin care composition (page 2, line 27—page 3, line

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6). The absorbent article further comprises barrier sheets (patch 11 and an oil impermeable outer surface) to reduce the migration of the skin care composition (page 2, lines 11-13; page 3, lines 8-15).

In regard to Claims 2 and 6, Hanson-Shaw discloses that the barrier sheet 11 covers a central section 12, which comprises the skin composition (page 5, lines 1-5). Also, the oil impermeable outer sheet covers the underside-facing surface of the article 10 and prevents the skin composition from passing through the article 10 (page 5, lines 21-25).

In regard to Claim 7, Hanson-Shaw discloses that the skin care composition may be located on the body surface (inner surface) of the article (page 3, lines 5-6) and the barrier sheet 11 covers the skin care composition (page 3, lines 13-14; column (page 5, lines 21-25).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani (US 5,683,377) in view of Hanson-Shaw.

In regard to Claim 1, Mizutani discloses an absorbent article 1 having a body surface 3, a garment surface 4, an absorbent core 5, and a barrier sheet 2 (Figure 3). Mizutani does not expressly disclose that at least a portion of the absorbent article has a skin

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care composition provided thereon. As discussed earlier, Hanson-Shaw discloses an absorbent article comprising a skin component. Hanson-Shaw teaches that absorbent articles worn next to the skin may cause a rash, and goes on to teach adding a skin care composition to article in order to address such a problem (page 1, line 1—page 2, line 9). Mizutani and Hanson-Shaw are analogous arts because they are from the same field of endeavor (absorbent products dealing with the removal of waste from the body). It would have been obvious to modify the article of Mizutani to comprise a skin care composition on at least a portion of the article since doing so would reduce the occurrence of skin irritation to the wearer.

Also, Mizutani discloses that it is known in the art to provide a barrier sheet 2 (comprising release sheets 11 and 12) to protect adhesive zones 8, 9 from contamination (column 1, lines 14), but does not expressly disclose that the barrier sheet 2 is treated to reduce the migration of the skin composition. Hanson-Shaw teaches that interaction between skin compositions and adhesives can severely reduce the adhesive's quality so as to render the article unattachable to the wearer. Hanson-Shaw further teaches using a barrier sheet to overcome this problem; the barrier sheet 11 can be oil impermeable and covers the area comprising the skin care composition until ready for use (page 2, lines 11-15; page 3, lines 4-14). Thus, it would have been obvious to one of ordinary skill in the art to modify the barrier sheet of Mizutani to be treated to reduce the migration of skin care composition as taught by Hanson-Shaw since doing so would prevent adhesive zones from becoming contaminated by skin care compositions.

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In regard to Claim 2 and 6, as discussed above, Mizutani and Hanson-Shaw disclose the invention of Claim 1. Hanson-Shaw further discloses the skin composition may be located on a portion of the article's inner surface and may be covered with a barrier sheet 11 (page 3, lines 4-14; page 5, lines 1-5). Hanson-Shaw also discloses that the oil impermeable outer sheet (which is considered to be a barrier sheet) covers the underside-facing surface of the article 10 and prevents the skin composition from passing through the article 10 (page 5, lines 21-25).

In regard to Claim 3, Mizutani discloses that the article's garment-facing surface comprises an adhesive 8; the barrier sheet 2 (comprising release sheets 11 and 12) covers the adhesive 8 and is removed from adhesive prior to use of the article 1 (column 2, lines 43-45; column 2, lines 8-14).

In regard to Claims 4, Mizutani discloses side flaps 7 provided with an adhesive 9 on the garment-facing surface so that the flaps may be secured to the wearer's undergarment (Figure 3; column 1, lines 50-54; column 2, lines 39-48).

In regard to Claim 5, as discussed for Claim 3, Mizutani discloses that the garment surface comprises an adhesive 8; the adhesive is used to secure the article to the wearer (column 2, lines 39-45).

In regard to Claim 7, Hanson-Shaw discloses that the skin care composition may be located on the body surface (inner surface) of the article (page 3, lines 5-6) and the barrier sheet 11 covers the skin care composition (page 3, lines 13-14; column (page 5, lines 21-25).

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In regard to Claim 8, Mizutani discloses that barrier sheet 2 serves as a main wrapper, which is used to individually wrap the article 1 (Figs. 1-2; column 2, line 51—column 3, line 9).

8. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani in view of Hanson-Shaw as applied to claim 1-8 above, and further in view of Hilston et al (US 5,720,739).

In regard to Claims 9-10, as discussed for Claims 1-8 above, Mizutani and Hanson-Shaw together disclose the claimed invention except for the barrier sheet comprising a base sheet, wherein the base sheet is treated with a composition comprising a component selected from the group consisting of fluorochemicals, hydrophilic polymers, inorganic particles, or mixtures thereof. Mizutani does disclose the barrier sheet comprises a base sheet 11. The base sheet is releasably secured to the adhesive zone 8 of the article 1. Hilston et al. disclose an absorbent article having adhesion strips for securing the article to a person (abstract, Fig. 1). Mizutani, Hanson-Shaw, and Hilston et al are analogous arts because they are from the same field of endeavor (absorbent products dealing with the removal of waste from the body). Hilston et al. teach that is that it is known to use fluorochemicals to coat sheets/strips attached to adhesive areas in order to improve the adhesion of the sheet/sheet to the adhesive area (column 2, lines 59—column 3, line 6). Thus, it would have been obvious to one of ordinary skill in the art to modify Mizutani in view of Hanson-Shaw to have a base sheet comprising

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fluorochemicals since doing so would improve the adhesion properties between the base sheet and the adhesive zone.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eilender (US 5,019,064 and US 4,959,059) because the articles taught provide for a barrier sheet that prevents the migration of a skin care composition to other areas of the article; these sheets comprise layers of the article but are not used as article wrappers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keshia Gibson whose telephone number is (571) 272-7136. The examiner can normally be reached on M-F 8:30 a.m. - 6 p.m., out of the office every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Schwartz can be reached on (571) 272-4390. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

klg 3/1/05



Larry I. Schwartz
Supervisory Patent Examiner
Group 3700



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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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20050301

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